

## ORDINANCE NO. 2014-213

### **AN ORDINANCE TO LEVY STORMWATER FEES ON PARCELS OF PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MADISON.**

**WHEREAS**, the City of Madison, Alabama, is required under Federal and State regulations to implement a Stormwater Management Plan ("SWMP") to address pollutants which may be discharged from the public Municipal Separate Storm Sewer ("MS4"); and

**WHEREAS**, the purpose of this ordinance is to provide a funding mechanism to aid the City of Madison in meeting the financial obligations imposed by the MS4 Permit and the required SWMP, an unfunded federal mandate; and

**WHEREAS**, the Council finds that it is in the best interests of the citizens of the City of Madison to create, in accordance with all applicable laws and regulations, a Stormwater Management Program Fund and that all monies deposited in this Fund shall be held in trust and expended in strict accordance with the provisions stipulated in Chapter 89C of Title 11, *Code of Alabama*;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Madison, Alabama as follows:

**Section 1.** That it is appropriate for the City of Madison to impose a Stormwater User Fee upon specified, non-exempt properties that may discharge, directly or indirectly, into the public MS4 or that may receive stormwater services from the City, either directly or indirectly, whether the property is private or public.

**Section 2.** That there is hereby established a Stormwater Fund in the City of Madison's budgeting and accounting systems for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the SWMP.

**Section 3.** That, under the authority of Chapter 89C of Title 11, *Code of Alabama*, as amended by Act 2014-439, the City of Madison hereby levies an annual fee upon each parcel of real property, or portion thereof, located in the corporate limits of the City, such annual fee to be determined as follows for the purposes of funding the City's Stormwater program and to comply with the requirements of any NPDES permit held by the City:

- a. The annual fee is levied on properties designated by the Madison County Tax Assessor and Limestone County Revenue Commissioner pursuant to Amendment No. 325 to the Constitution of Alabama, 1901, and §40-8-1 of the Code of Alabama, 1975, as Class II land use classifications in the amount of \$0.005 per square foot of commercial space per parcel or portion thereof located in the corporate limits of the City of Madison, provided that, regardless of actual square footage of commercial space on or within the property, no such annual fee shall exceed three thousand dollars (\$3,000.00). The Total Adjusted Area, as defined by the Madison County Tax Assessor and

by the Limestone County Revenue Commissioner, shall be used, respectively, as the measurement of the square footage of commercial space for the purpose of these calculations.

- b. The annual fee is levied on the properties designated by the Madison County Tax Assessor and the Limestone County Revenue Commissioner pursuant to Amendment No. 325 to the Constitution of Alabama, 1901, and §40-8-1 of the Code of Alabama, 1975, as Class III land use classification in the amount of ten dollars (\$10.00) per parcel, or portion thereof, located in the corporate limits of the City of Madison.
- c. Parcels totally exempt from property tax by the Madison County Tax Assessor or the Limestone County Revenue Commissioner will be exempt from the Stormwater User Fee, in addition to those specifically designated as exempt by Act 2014-439.

**Section 4.** In the alternative, pursuant to the police power of the City, the City of Madison hereby levies an annual fee upon each parcel of real property, or portion thereof, located in the corporate limits of the City, such annual fee to be determined as follows for the purposes of funding the City's Stormwater program and to comply with the requirements of any NPDES permit held by the City:

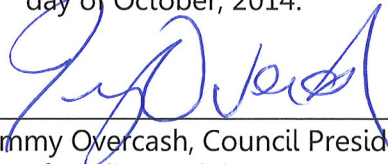
- a. The annual fee is levied on properties which are designated by the Madison County Tax Assessor and Limestone County Revenue Commissioner pursuant to Amendment No. 325 to the Constitution of Alabama, 1901, and §40-8-1 of the Code of Alabama, 1975, as Class II land use classifications in the amount of \$0.005 per square foot of commercial space per parcel or portion thereof located in the corporate limits of the City of Madison, provided that, regardless of actual square footage of commercial space on or within the property, no such annual fee shall exceed three thousand dollars (\$3,000.00). The Total Adjusted Area, as defined by the Madison County Tax Assessor and by the Limestone County Revenue Commissioner, shall be used, respectively, as the measurement of the square footage of commercial space for the purpose of these calculations.
- b. The annual fee is levied on the properties designated by the Madison County Tax Assessor and the Limestone County Revenue Commissioner pursuant to Amendment No. 325 to the Constitution of Alabama, 1901, and §40-8-1 of the Code of Alabama, 1975, as Class III land use classification in the amount of ten dollars (\$10.00) per parcel, or portion thereof, located in the corporate limits of the City of Madison.
- c. Parcels totally exempt from property tax by the Madison County Tax Assessor or the Limestone County Revenue Commissioner will be exempt from the Stormwater User Fee, in addition to those specifically designated as exempt by Act 2014-439.

**Section 5.** The Madison County Tax Assessor and Limestone County Revenue Commissioner are hereby requested to implement procedures necessary and appropriate to assess and collect this fee.

**Section 6.** Pursuant to Act 2014-439, the Mayor shall be, and is hereby, authorized and directed to take whatever actions necessary to implement the assessment, collection and disbursement of this fee as authorized by law.

**Section 7.** This ordinance shall be deemed effective and initial fees assessed as of October 1, 2014.

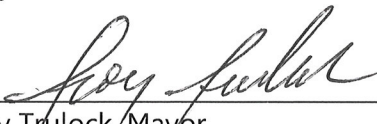
**READ, PASSED AND ADOPTED** this 27<sup>th</sup> day of October, 2014.

  
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Tommy Overcash, Council President  
City of Madison, Alabama

**ATTEST:**

  
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Melanie A. Williard, City Clerk-Treasurer

**APPROVED** this 30<sup>th</sup> day of October, 2014.

  
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Troy Trulock, Mayor  
City of Madison, Alabama